

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL MEMORANDUM

SB 2437 - HB 2693

June 1, 2020

SUMMARY OF ORIGINAL BILL: Establishes that a teacher, principal school employee, or school bus driver is immune from civil liability when exercising use of force as defined in Tenn. Code Ann. § 49-6-4107 unless the teacher's, principal's, school employee's, or school bus driver's conduct is the result of gross negligence or willful or wanton misconduct.

FISCAL IMPACT OF ORIGINAL BILL:

NOT SIGNIFICANT

SUMMARY OF AMENDMENT (017835): Deletes and replaces all language after the enacting clause to: 1) add intentional harm as a disqualifier from civil liability immunity for a teacher, principal school employee, or school bus driver when exercising use of force as defined in Tenn. Code Ann. § 49-6-4107; 2) establish that a person who is immune under this section is not the proximate cause of any resulting injuries; and 3) change the effective date from July 1, 2020, to October 1, 2020.

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:

Unchanged from the original fiscal note.

Assumptions for the bill as amended:

- Current law pursuant to Tenn. Code Ann. § 49-6-4107 authorizes teachers, principals, school employees or bus drivers to use reasonable force when necessary.
- The proposed legislation confers civil immunity for those using it unless their conduct is deemed to be grossly negligent, willful, or wanton.
- The Department of Education, schools, and school employees will be able to comply with the proposed legislation within existing resources.
- No significant impact to state or local operations.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink that reads "Krista Lee Carsner". The signature is written in a cursive, flowing style.

Krista Lee Carsner, Executive Director

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